

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

TERESA LEFKOWITZ,)	Case No.:
)	
Plaintiff,)	
)	
vs.)	
)	
EXPERIAN INFORMATION SOLUTIONS,)	
INC., and ABC CORPS 1-2,)	
)	
Defendants.)	
)	
)	
)	
)	

COMPLAINT

Plaintiff, Teresa Lefkowitz, (hereinafter “Plaintiff”), by and through undersigned counsel, hereby sues Defendants, Experian Information Solutions, Inc. (hereinafter “Experian”), and ABC Corps 1-2 (hereinafter “ABC”), (collectively hereinafter “Defendants”), and alleges as follows:

PRELIMINARY STATEMENT

1. This is an action for damages arising from Defendants violations of the Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.* (the “FCRA”).

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action pursuant to 28 U.S.C. §1331 and §1692.
3. Venue is proper in this district under 28 U.S.C §1191(b).

PARTIES

4. Plaintiff, Teresa Lefkowitz, is a natural person, whom resides in Brooklyn, New York.

5. Defendant Experian Information Solutions, Inc. is a business entity that regularly conducts business in the State of New York with its principal place of business as 300 E. 9th Street Suite 1815, Cleveland, Ohio 44114.

6. Defendant ABC Corps 1-2 are as of yet unknown business entities that have furnished erroneous information to Experian relating to Plaintiff.

FACTUAL STATEMENT

7. On or about October 2013, NYU Hospital obtained a default judgment against Plaintiff.

8. ABC furnished information concerning this judgment to Experian.

9. On or about April 2015, Plaintiff had satisfied that judgment.

10. Despite the fact that the judgment was vacated, ABC did not update this information, and the judgment remained on Plaintiff's report as an active judgment.

11. On or about January 2016, a dispute letter was sent to Experian concerning the judgment.

12. Upon information and belief, Experian failed to send Plaintiff's dispute to ABC.

13. Upon information and belief, Experian did not evaluate or consider any of Plaintiff's information, thereby failing to properly reinvestigate Plaintiff's dispute.

14. Upon information and belief, Experian does not have proper procedures in place to adequately verify whether a prior judgment has been vacated.

15. Alternatively, upon information and belief, Experian transmitted Plaintiff's dispute to ABC.

16. Upon information and belief, ABC did not evaluate or consider any of Plaintiff's information, thereby failing to properly reinvestigate Plaintiff's dispute.

COUNT I
VIOLATION OF THE FAIR CREDIT REPORTING ACT
BY EXPERIAN

17. Plaintiff repeats, realleges, and reasserts the allegations contained in paragraphs 1 through 16 above and incorporates them as if specifically set forth at length herein.

18. Defendant Experian prepared, compiled, issued, assembled, transferred, published and otherwise reproduced consumer reports regarding Plaintiff as that term is used and defined under 15 U.S.C. § 1681a.

19. Said reports contained information about Plaintiff that was false, misleading, and inaccurate.

20. Experian negligently and willfully failed to maintain and/or follow reasonable procedures to assure maximum possible accuracy of the information it reported to one or more third parties pertaining to Plaintiff, in violation of 15 U.S.C. § 1681e(b).

21. Equifax violated 15 U.S.C. § 1681i by failing to delete inaccurate information placed on Plaintiff's credit report after receiving actual notice of these inaccuracies; by failing to conduct a lawful investigation; by failing to forward all relevant information to ABC; by failing to maintain reasonable procedures with which to filter and verify disputed information in the Plaintiff's credit file; and by relying upon verification from a source it has reason to know is unreliable.

22. Plaintiff has been damaged and is entitled to relief.

23. Experian's conduct, action and inaction was willful, rendering it liable for actual and statutory damages, and punitive damages in an amount to be determined by the Court pursuant to 15 U.S.C. § 1681n. In the alternative, Experian was negligent entitling the Plaintiff to recover actual damages under 15 U.S.C. § 1681o.

WHEREFORE, PLAINTIFF PRAYS that this court grant him a judgment against Experian for statutory and actual damages, punitive damages, costs, interest, and attorney's fees.

COUNT II
VIOLATION OF THE FAIR CREDIT REPORTING ACT
BY ABC CORPS 1-2

24. Plaintiff repeats, realleges, and reasserts the allegations contained in paragraphs 1 through 16 above and incorporates them as if specifically set forth at length herein.

25. At all times pertinent hereto, ABC was a "person" as that term is used and defined under 15 U.S.C. § 1681a.

26. ABC has furnished Experian with information concerning a judgment incurred against Plaintiff.

27. Said judgment was satisfied in full by Plaintiff.

28. Plaintiff disputed the status of the judgment with Experian, as Experian had the judgment listed as active and unpaid.

29. Experian forward Plaintiff's dispute to ABC.

30. After receiving notice of Plaintiff's disputes from Experian, ABC violated 15 U.S.C. § 1681s-2(b) by failing to disclose that the judgment was satisfied; by failing to fully and properly investigate the Plaintiff's dispute of the judgment in question; by failing to review all relevant information regarding the judgment; by failing to accurately respond to Experian; by failing to correctly report results of an accurate investigation; and by failing to permanently and lawfully corrects its own internal records to prevent the re-reporting of the incorrect trade line to a credit reporting agency.

31. Upon information and belief, ABC does not have policies or procedures in place to sufficiently reinvestigate whether a judgment has been satisfied, and cannot therefore furnish accurate information as required.

32. ABC's conduct, action and inaction was willful, rendering it liable for actual and statutory damages, and punitive damages in an amount to be determined by the Court pursuant to 15 U.S.C. § 1681n. In the alternative, ABC was negligent entitling the Plaintiff to recover actual damages under 15 U.S.C. § 1681o.

WHEREFORE, PLAINTIFF PRAYS that this court grant him a judgment against ABC for statutory and actual damages, punitive damages, costs, interest, and attorney's fees.

JURY TRIAL DEMAND

Plaintiff demands a jury trial on all issues so triable.

Dated this 9th day of March, 2016

Respectfully Submitted,

/S/ Daniel Zemel
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